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GOVERNMENT OF GOA, DAMAN AND DIU

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Law Department

Legal Affairs Branch

Notification

LD/1/86-L.A.B./1087

The following Notification bearing No. A-11019/30/86-AT dated 21st October, 1986 issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, (Department of Personnel and Training), New Delhi, is hereby published for general information.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 2nd December, 1986.

No. A-11019/30/86-AT

GOVERNMENT OF INDIA MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 21st October, 1986

Notification

G. S. R. No. — In exercise of the powers conferred by clause (c) of sub-section (2) of section 35 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government hereby makes the following rules, namely: —

1. *Short title and commencement.* — (1) These rules may be called the Maharashtra Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Rules, 1986.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.* — In these rules, unless the context otherwise requires: —

(a) "Act" means the Administrative Tribunals Act, 1985 (13 of 1985);

(b) "Government" means the Government of Maharashtra;

(c) "Tribunal" means the Maharashtra Administrative Tribunal;

(d) the words and expressions used in these rules and not defined, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. *Pay.* — The Chairman shall receive a pay of rupees three thousand five hundred plus a special pay of rupees two hundred and fifty per mensem. A Vice-Chairman shall receive a pay of rupees three thousand five hundred per mensem. A Member shall receive a pay of rupees three thousand per mensem:

Provided that in the case of an appointment as a Chairman, Vice-Chairman or a Member of a person who has retired as a Judge of a High Court or who has retired from service under the Central Government or a State Government and who is in receipt of or has received or has become entitled to receive any retirement benefits by way of either pension or gratuity or both on employer's contribution to the Contributory Provident Fund or other forms of retirement benefits, the aforementioned pay shall be reduced by the gross amount of pension and pension equivalent of gratuity or employer's contribution to the Contributory Provident Fund or any other form of retirement benefits, if any drawn or to be drawn by him.

4. *Dearness allowance and city compensatory allowance.* — The Chairman, a Vice-Chairman and a Member shall receive dearness allowance and city compensatory allowance appropriate to their pay at the rates admissible to Officers of the Central Government getting the same rates of pay.

5. *Retirement from parent service on appointment as Member.* — (1) The Chairman, a Vice-Chairman or a Member who, on the date of his appointment to the Tribunal, was in service under the Central Government or a State Government, shall seek retirement from such service before his appointment to the Tribunal and in the case of a sitting Judge of a High Court who is appointed as Chairman or a Vice-Chairman, his service in the Tribunal shall be treated as actual service within the meaning of para 11(b) (i) of Part 'D' of the Second Schedule to the Constitution.

(2) On such retirement as is provided for in sub-rule (1), the Chairman, Vice-Chairman and Member:—

(i) shall be entitled to receive pension and gratuity in accordance with the retirement rules applicable to him; and

(ii) shall not be allowed to carry forward his earned leave but shall be entitled to receive cash equivalent of leave salary, if any, in accordance with the rules applicable to him prior to his retirement.

6. *Leave.*—A person, on appointment in the Tribunal as a Chairman, Vice-Chairman or a Member, shall be entitled to leave as follows:

(i) earned leave at the rate of fifteen days for every completed calendar year of service or a part thereof, and the leave salary for such leave shall be equal to the pay drawn immediately before proceeding on leave;

(ii) half pay leave on medical certificate or on private affairs at the rate of twenty days in respect of each completed year of service and the leave salary for half pay leave shall be equivalent to half of the leave salary admissible during the earned leave;

(iii) leave on half pay can be commuted to full pay leave at the discretion of the Member, provided it is taken on medical grounds and is supported by a medical certificate from the competent medical authority.

(iv) extra-ordinary leave without pay and allowances upto a maximum period of one hundred eighty days in one term of office.

(2) If the Chairman, a Vice-Chairman or a Member is unable to enjoy full vacation on account of his occupation with the Tribunal, he shall be entitled to add the unenjoyed period of vacation to the leave account.

Explanation.—For the purpose of this sub-rule, "vacation" means vacation of thirty days in each calendar year observed by the Tribunal.

(3) On the expiry of his term of office in the Tribunal, the Chairman, a Vice-Chairman or a Member shall be entitled to receive cash equivalent of leave salary in respect of the earned leave standing to his credit, provided that the quantum of leave encashed under this sub-rule and clause (ii) of sub-rule (2) of rule 5 shall not exceed 180 days.

(4) The Chairman, a Vice-Chairman or other Members shall be entitled to receive the dearness allowance, as admissible on the leave salary under sub-rule (3), at the rates in force on the date of the relinquishment of the office in the Tribunal;

Provided that he shall not be entitled for the city compensatory allowance or any other allowance on such leave salary.

7. *Leave sanctioning authority.*—The Chairman shall be the authority competent to sanction leave to a Vice-Chairman and a Member and the Governor of Maharashtra shall be the authority competent to sanction leave to the Chairman.

Pension.—(1) Every person appointed to the Tribunal as the Chairman, a Vice-Chairman a Member shall be entitled to pension provided that no such pension shall be payable:—

(i) if he has put in less than two years of service with the Tribunal; or

(ii) if he has been removed from an office in the Tribunal under sub-section (2) of section 9 of the Act.

(2) Pension under sub-rule (1) shall be calculated at the rate of rupees seven hundred per annum for each completed year of service or a part thereof, and irrespective of the number of years of service in the Tribunal the maximum amount of pension shall not exceed rupees three thousand five hundred per annum:

Provided that the aggregate amount of pension payable under this rule together with the amount of any pension (including) commuted portion of pension, if any drawn or entitled to be drawn while holding office in the Tribunal shall not exceed the maximum amount of pension specified for a Judge of the High Court.

9. *Provident Fund.*—The Chairman, a Vice-Chairman or a Member shall be entitled to subscribe to the General Provident Fund at his option and in case of his so opting shall be governed by the provisions of the Bombay General Provident Fund Rules:

Provided that if the Chairman, Vice-Chairman or a Member was a Judge of a High Court or was a Member of an *All India Service* or was holding a post under the Central or a State Government immediately before his joining the Tribunal, he shall be governed by the rules which were applicable to him immediately before joining the Tribunal.

10. *Travelling Allowances.*—The Chairman, a Vice-Chairman or other Member while on tour or on transfer (including the journey undertaken to join the Tribunal or to proceed to his home town on the expiry of his term with the Tribunal) shall be entitled to the travelling allowance, daily allowance transportation of personal effects and other similar matters at the same scales and at the same rates as are specified in the High Court Judges (Travelling Allowances) Rules, 1986.

11. *Leave Travel Concession.*—The Chairman, a Vice-Chairman or other Member shall be entitled to the leave travel concession at the same rates and at the same scales and on the same conditions as are applicable to members of the *All India Services* drawing pay at the same rates.

12. *Accommodation.*—(1) Every person appointed to the Tribunal as a Chairman, a Vice-Chairman or a Member shall be entitled to the use of an official residence from the general pool accommodation of the appropriate type, subject to availability, on the payment of the licence fee at the rates prescribed by the Government from time to time.

(2) When a Chairman, a Vice-Chairman or a Member is not provided with or does not avail himself of the general pool accommodation referred to in sub-rule (1), he may be paid every month an allowance of an amount equal to fifteen per cent of his pay.

(3) Where the Chairman, a Vice-Chairman or a Member occupies an official residence beyond the permissible period he shall be liable to pay additional licence fee or penal rent, as the case may be, and liable to eviction in accordance with the rules applicable to Secretary to the Government of Maharashtra belonging to the Indian Administrative Service.

13. *Facility of conveyance.* — The Chairman, a Vice-Chairman and a Member shall be entitled to the facility of staff car in accordance with the Staff Car Rules of the Government.

14. *Facilities for Medical Treatment.* — The Chairman, a Vice-Chairman or other Member shall be entitled to medical treatment and hospital facilities as are admissible to an officer of the corresponding pay levels in the Government.

15. *Conditions of service of sitting Judges of the High Court appointed as Chairman or Vice-Chairman.* — Notwithstanding anything contained in these rules, where a sitting judge of a High Court is appointed as the Chairman or a Vice-Chairman

of the Tribunal, the service conditions as contained in the High Court Judges (Conditions of Service) Act, 1954 and the rules made thereunder shall apply to him upto the date of his superannuation as a sitting judge of the High Court. Thereafter he shall be governed by these rules for the remaining period of his tenure as Chairman or Vice-Chairman as the case may be.

16. *Residuary provision.* — The conditions of service of the Chairman, a Vice-Chairman or other Members for which no express provision is available in these rules shall be determined by the rules and orders for the time being applicable to a Secretary to the Government of Maharashtra belonging to the Indian Administrative Service.

17. *Powers to relax rules.* — The Central Government may, for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of persons.

(No. A-11019/30/86-AT)
(P. G. LELE)
Director